



Patent / Docket No. 10287.46

Customer No. 27683
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2005 OCT -7 PM 4:14

US PATENT & TRADEMARK
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In re application of:
§
§ Hideja Tajima
§
§ Serial No.: 09/909,186
§
§ Filed: July 19, 2001
§
For: Device for Containing, Reacting and
Measuring, and Method of Containing,
Reacting and Measuring

Group Art Unit: 1743

Examiner: Cross, Latoya I.

Confirmation No.: 9114

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on Sept. 29, 2005

Ulla Jonsson
Signature of person mailing paper and fee

Eileen Loveland

REQUEST FOR REFUND

Dear Sir:

Applicant hereby requests a refund of fees paid for a Request for Continued Examination and three months extension of time filed in the above-identified application. The facts supporting Applicant's request are as follows:

On December 14, 2004, a Final Office Action was mailed in the above-identified application.

On February 14, 2005, which was 2 months after the mailing date of the Final Office Action, Applicant filed an Amendment after Final in response to the Final Office Action.

By June 14, 2005, which was six months after the mailing date of the Final Office Action, Applicant had not received an Office communication responding to Applicant's Amendment after Final filed February 14, 2005.

On June 14, 2005, in order to maintain the pendency of the application, Applicant filed a Request for Continued Examination and a Request for Three Months Extension of Time. Applicant submitted check #1319142 in the amount of \$905 for the fees for continued examination and three months extension of time.

On June 23, 2005, an Office Action responding to Applicant's Amendment after Final filed February 14, 2005 was mailed. The Office Action mailed June 23, 2005 made no mention of Applicant's Request for Continued Examination filed June 14, 2005.

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On September 9, 2005, a second Office Action was mailed. This second Office Action was identical to the Office Action that had been mailed June 23, 2005.

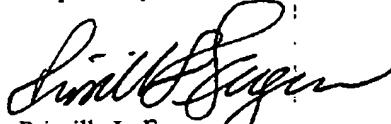
Because of confusion created by the duplicate Office Actions received June 23 and September 9, Applicant's representative contacted the Examiner's supervisor, Ms. Jill Warden. Supervisor Warden and Applicant's representative spoke about this matter on September 14, 2005. Enclosed as Exhibit A is an Examiner-Initiated Interview Summary mailed September 14, 2005, which summarizes the conversation between Supervisor Warden and Applicant's representative as follows:

Applicant's representative called to indicate that there were some confusing items in the file. With no response from an after final filed in February, applicant filed a request for continued examination in June. On June 23, 2005, an Office action was mailed, followed by a second Office action on September 9, 2005, which was identical to the first. Examiner indicated that an interview summary from April, which re-opened prosecution on the application was missing from the image file wrapper. No RCE was necessary and the Office action mailed June 23 was the action which re-opened prosecution on the file. Supervisor Warden indicated that the duplicate Office action mailed September 9, 2005 would be withdrawn and the RCE would be removed from the file. Applicants need to respond to the Office Action filed June 23, 2005 and **may request refund of the RCE fee charged them, as no such RCE was needed.** A copy of the April 18, 2005 Interview Summary is attached hereto and will be entered into the image file wrapper. [emphasis added.]

As noted in the Examiner-Initiated Interview Summary mailed September 14, 2005, Supervisor Warden is in agreement that the Request for Continued Examination filed by the Applicant on June 14, 2005 was not necessary, and that Applicant may request a refund of the fees paid in connection therewith.

Applicant has also enclosed at Exhibit B a copy of the cancelled check #1319142, which evidences payment for fees due for the Request for Continued Examination and three months extension of time. In view of the enclosed supporting documents enclosed, Applicant respectfully requests that a refund of \$905 be credited to Deposit Account No. 08-1394.

Respectfully submitted,



Priscilla L. Ferguson
Registration No. 42,531

Dated: Sept. 29, 2005

HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: (214) 651-5662
Facsimile: (214) 200-0853

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,186	07/19/2001	Hideji Tajima	10287.46	9114
27683	7590	09/14/2005	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			CROSS, LATOYA I	
		ART UNIT	PAPER NUMBER	
			1743	
DATE MAILED: 09/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETING COMPLETE
DATE: 9-19-05
BY: shneider

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SEP 19 2005

HAYNES and BOONE

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Examiner-Initiated Interview Summary	Application No. 09/909,186	Applicant(s) TAJIMA, HIDEJI
	Examiner Jill A. Warden	Art Unit 1743

All Participants:

(1) Jill A. Warden.

Status of Application: _____

(3) _____

(2) Randall Brown.

(4) _____

Date of Interview: 14 September 2005

Time: _____

Type of Interview:

Telephonic
 Video Conference
 Personal (Copy given to: Applicant Applicant's representative)

Exhibit Shown or Demonstrated: Yes No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

None

Claims discussed:

None

Prior art documents discussed:

None

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
 It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

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Continuation of Substance of Interview including description of the general nature of what was discussed: Applicant's representative called to indicate that there were some confusing items in the file. With no response from an after final filed in February, applicant's filed a request for continued examination in June. On June 23, 2005., an Office action was mailed, followed by a second Office action on September 9, 2005, which was identical to the first. Examiner indicated that an interview summary from April, which re-opened prosecution on the application was missing from the image file wrapper. No RCE was necessary and the Office action mailed June 23 was the action which re-opened prosecution on the file. Supervisor Warden indicated that the duplicate Office action mailed September 9, 2005 would be withdrawn and the RCE would be removed from the file. Applicants need to respond to the Office action filed June 23, 2005 and may request refund of the RCE fee charged them, as no such RCE was needed. A copy of the April 18, 2005 Interview Summary is attached hereto and will be entered into the image file wrapper..

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Examiner-Initiated Interview Summary		Application No. 09/909,186	Applicant(s) TAJIMA, HIDEJI
		Examiner LaToya I. Cross	Art Unit 1743
All Participants:		Status of Application: _____	
(1) <u>LaToya I. Cross.</u>		(3) _____	
(2) <u>Warren Kice.</u>		(4) _____	
Date of Interview: <u>18 April 2005</u>			
Time: _____			
Type of Interview: <input type="checkbox"/> Telephonic <input type="checkbox"/> Video Conference <input type="checkbox"/> Personal (Copy given to: <input type="checkbox"/> Applicant <input type="checkbox"/> Applicant's representative)			
Exhibit Shown or Demonstrated: <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide a brief description: _____			
Part I.			
Rejection(s) discussed:			
Claims discussed:			
Prior art documents discussed:			
Part II.			
SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED: <i>Attorney Kice was notified that a non-final rejection was being prepared in response to the After Final amendment dated 2/14/05.</i>			
Part III.			
<input type="checkbox"/> It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability. <input type="checkbox"/> It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.			
(Examiner/SPE Signature)		(Applicant/Applicant's Representative Signature – if appropriate)	

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9/28/2005 4:13:05 PM

haynesboone Haynes and Boone, LLP 601 Main Street Suite 3100 Dallas, Texas 75202-3789 Telephone (214) 651-5000 Fax (214) 651-5940		1319142 <small>D</small>
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<small>THIS CHECK CONTAINS A VOID FEATURE, MICRO PRINTED LEGATURE LINE AND AN ARTIFICIAL WATERMARK ON BACK. HOLD UNDER BLACKLIGHT TO VERIFY AUTHENTICITY.</small> 1319142 002330943408 9000090500		

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

	Application Number	09/909,186
	Filing Date	July 19, 2001
	First Named Inventor	Hideja Tajima
	Art Unit	1743
	Examiner Name	Cross, Latoya I.
8	Attorney Docket Number	10287.46

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Exhibits A and B, and return postcard.
<input type="checkbox"/> Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Haynes and Boone, L.L.P.		
Signature			
Printed name	Priscilla L. Ferguson		
Date	Sept. 29, 2005	Reg. No.	42,531

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	
Typed or printed name	Ellen Lovelace

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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D-1378937.1

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PTO/SB/30 (04-05)

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**PTAB TRADE REQUEST
for
Continued Examination (RCE)
Transmittal**

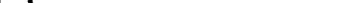
Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
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<u>Application Number</u>	09/909,186
<u>Filing Date</u>	July 19, 2001
<u>First Named Inventor</u>	Hideji Tajima et al.
<u>Art Unit</u>	1743
<u>Examiner Name</u>	Cross, Latoya I.
<u>Attorney Docket Number</u>	10287.46

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	June 14, 2005
Name (Print/Type)	Alan N. Herda	Registration No.	50,426

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below. EXPRESS MAIL LABEL NO. EV 3898748ZT US

Signature		Date	June 14, 2005
Name (Print/Type)	SANDRA KUIRIN		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment date: 11/18/2005 SDIRETA1
06/17/2005 WABDELRI 00000055 09909186
01 FC:2801 -395.00 DP

0006/17/2005 WADDELR1 000000055 09999186
01 FC:2801 395.00 DP



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)
FY 2005 <i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>		10287.46
Application Number 09/909,186		Filed July 19, 2001
For Device for Containing, Reacting and Measuring, and Method of Containing, Reacting and Measuring		
Art Unit 1743		Examiner Cross, Latoya L.

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ _____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	<u>\$ 510.00</u>
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____

Applicant claims small entity status. See 37 CFR 1.27.

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 08-1394. I have enclosed a duplicate copy of this sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form.
Provide credit card information and authorization on PTO-2038.

I am the applicant/inventor.

assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

attorney or agent of record. Registration Number _____

attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 50,426

June 14, 2005

Date

Alan N. Herda

214-651-5924

Typed or printed name

Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment date: 11/18/2005 SDIRETA1

06/17/2005 d4351952.100000055 09909186

02 FC:2253 -510.00 OP

06/17/2005 SDIRETA1 00000055 09909186
510.00 OP
02 FC:2253